

**TOWN OF BARRE
PLANNING BOARD
NOVEMBER 4, 2020**

CALL TO ORDER: 6:35 PM

BOARD MEMBERS PRESENT

Tom Keeler	Wes Miller
Jean Depatie	Kurt Dudley
Stephen Harling	Kirk Mathes
Jean Peglow	Dr. George McKenna (Alt.)
Eric Watson (Alt.)	

EXCUSED BOARD MEMBERS

Others present: Tom McCabe, Sean P. Pogue, Lance Mark, Kerri McKenna (arriving at 7:05 pm)

Mr. Keeler read a statement that due to a possible financial gain from the Heritage Wind project he is recusing himself from any and all discussions due to a conflict of interest. He stated that Mr. Miller was aware of this and was prepared to lead the meeting. He then packed picked up his belongings and left at 6:37 pm.

Dr. McKenna spoke up saying he felt that there were four others that should recuse themselves as stated several other times in the past. He proceeded to read a portion from a handout that he brought for everyone on Recusal and Abstention from Voting: Guiding Principles by Lester D. Steinman. He had also been in contact with the state saying they could not even participate in discussions as well. Some members felt that Dr. McKenna should also recuse himself because of his outspokenness against the Heritage Wind project. Mr. Mark said that there is no opinion or legal requirement that anyone has to leave the room. It was asked who are the four that are involved one way or another. They are Mrs. Peglow, Mr. Dudley and Mr. Harling all of who have family connections that have signed a lease and Mr. Mathes who has signed a lease. There would be a quorum with Mr. Watson and Dr. McKenna filling in. Mr. Burnside walked into the meeting during this discussion. Dr. Pogue also entered the meeting. Due to coronavirus, the meeting is only available to the public. by calling in and listening by phone. Mr. Burnside was asked to leave. Dr. McKenna said that Mr. McCabe is our representative to the board, therefore, Dr. Pogue should leave as well as he has a conflict of interest. Dr. Pogue no longer has a conflict of interest. Mr. Mark stated that as the Town Supervisor he is allowed to stay. Mr. Burnside, Mrs. Peglow, Mr. Dudley, Mr. Harling and Mr. Mathes left at 6:45 pm.

Later in the meeting, Mr. Mark read a quote from the Attorney General saying that those who have personally spoken against a project because it compromises their ability to make impartial judgements should also recuse themselves.

Mr. Miller stated that the purpose of the meeting was to discuss the proposed changes to the wind law and make a recommendation to the Town Board. The changes are outlined on the last two pages of the SEQR. He would like to dig down going through them. Dr. McKenna asked if

he could speak getting Mr. Watson up to speed on the subject. Highlights from the following conversation from Dr. McKenna were:

- About 2 years ago we, planning board, said to make no changes
- We should have a copy of the University of Buffalo's report
- Should allow public input and come to an agreement
- Brought up his survey
- Some of these issues should be addressed at the Town Board and not here
- Proposed law was not done solely by Heritage Wind but also by LaBella
- Mr. Mark stated a comparison was done of what Heritage Wind and LaBella and it basically was the same
- Mr. Mark stated that he has spent many hours with the Town Board to put together the current proposed law
- NYSERTA only has the minimal standards
- Comprehensive Plan should be up to date and not from 2008 before any discussions on a wind ordinance is done which is the job of the planning board
 - Dr. Pogue stated the current plan was adopted in 2018
- Mr. Mark stated that Barre is not the final approval of the project. There are referendums, surveys, Siting Board also
- Mr. Mark stated Its being further removed from the local level to the state level with quoting from what he thinks was article 94c
- Boards do not listen or pay attention to the general public and the general public doesn't know what is going on
- Why are we changing our laws for Heritage Wind? They knew what our laws were before they started the process.

PRINCIPAL CHANGES

Section 350-103(1)(a) and (b)

Requires applicants to correct interference with existing communication links, telephone transmission lines. And fixed broadcast or reception antenna for radio, television or wireless phone, or other personal communication system.

Section 350-103(1)(f)

Prohibits use of guy wires for turbines, meteorological towers or transmission infrastructure, primarily due to the unsightly appearance and potential safety concerns with guy wires.

Section 350-103(1)(h)

The former setback is not less than 1,000 feet. The change is for the setback to be 2 times the tip height to existing residential and commercial structure.

- Dr. McKenna suggested a popular half a mile setback from properties and not buildings
- What about snow throw? Suggestion made of 1,800 feet being middle ground
 - Dr. McKenna stated that many universities offer courses on wind energy and do offer information and this is free of charge
 - Highest setback is three times the tip height
 - Dr. McKenna came up with a formula and is willing to share

Section 350-106(2)

Updated the Town's noise standards to align them with accepted standards currently being used State-wide in other utility scale projects and to make the noise standards easier to monitor and enforce. The new noise standards are defined more specifically for day-time and night-time hours for participating and non-participating landowners, in order to provide more appropriate levels of protection. Likewise, new standards are also introduced for the lower frequency infrasound bands, audible prominent tones and vibration.

- Heritage and LaBella are on the same page
- Ours are stricter standards
- Went from 45 to 40 for non-participants night time levels
- Just come up with reasonable expectations, nothing is perfect
- New residents should be aware of turbines before buying any property which is the same for wind, solar, cell phone tower etc.
- Maybe look into an outside source not being LaBella or Heritage

Section 350-103(4)

- New provision/additional requirement not in the current law
- Aircraft detected lights (similar to motion detector lights) are new
- This would provide indicating lighting when approached by an airplane. Question if the tower and turbine would be dark otherwise

Section 350-103(6)

Updates the maximum tip height for WEC's to 700 feet as measured from the base of the unit to the tip of the unit's longest blade. The proposed revision represents an increase in maximum tip height from the current height of 500 feet.

- Raising height because not enough wind source.
- We are a low wind area. Turbines are a low wind model
- Less environmental impact with fewer turbines
- Not a interest in the more turbines?
- What are we getting for it? Gaining from it?
- Greater capacity?
- Should not be specific to this project but what is good for the community
- Why should we be gunnie pigs for turbines that tall?

Section 350-103(10)

Discussion about if the maximum allowed hours of shadow flicker was to increase. The wording was not changed from the current law and remains at 25 hours per year.

- Flicker portion that goes into the roadway?
- Trees cause shadow flicker its just a reality. It goes away after driving past it
- Just a thought to ask the department of motor vehicles or even troopers

Section 350-103(12)

Construction hours adds new language to specify acceptable construction hours in more detail in order to protect residents from potential construction impacts of noise, dust, and truck traffic.

- Added in no work on Sunday except in an emergency
- Once a section of concrete work for example you can't stop until its finished
- Compensation when outside of specified times

Section 350-105

- Introduces new detail regarding content of decommissioning plans, when decommissioning is required and how it is to be undertaken, and the required financial to be supplied to protect the Town against incurring the expenses associated with decommissioning. The revisions require that applicable permits are obtained and environmental review is completed prior to decommissioning.
- New added into current law
- Parts, weather, etc. can delay making them operational again
- They are obligated to tell us when they are down.
- Take legal action
- Part of permit
- Look at bond periodically to make sure there is enough

Section 350-106(5)

Tightens up current law and added that it requires compliance with New York State Department of Agriculture and Markets (NYSDAM) Guidelines for Agricultural Mitigation for

- Wind Power Projects

Section 350-106(6)

Tightens up current law and adds language to require that Environmental Monitors are used to oversee compliance with State or local permit conditions, certificate conditions, and agricultural requirements in accordance with NYSDAM Guidelines. The new language requires that the Town has approval authority in the selection of the Environmental Monitor, given the importance of this role and the need for specific credentials and certifications in the selected monitor.

OTHER CONCERNS

Dr, McKenna stated that forestation was taken out. Should be 100 percent reforestation and not 40 percent

. However maybe the farmer would like to farm the land and not be returned to forest.

Height, noise, setbacks/setbacks from property line not residents' home and snow/ice throw are concerns of Dr. McKenna.

350-108(3)(b)

- Three years for a temporary structure with annual renewal following for up to seven years with an application submitted.

Section 350-105(11)

- Road repair is discussed as part of the highway use plan which in turn is part of the host community agreement

- They will repair use of the roads in construction, during the project, and during decommissioning

Resolution 17-2020

Introduced by: Jean Depatie

Seconded by: Eric Watson

WHEREAS the Town of Barre Planning Board reviewed the proposed Local Law # 3 of 2020 – Wind Ordinance

RESOLVED, to use the minutes of the meeting to pass on our recommendation on to the Town Board

UPON ROLL CALL VOTE:

Mr. Miller – Aye
Mr. DePatie – Aye
Dr. McKenna – Aye
Mr. Watson – Aye

The resolution passed.

ADJORNMENT

Mr. Watson made a motion to adjourn the meeting at 8:40 pm; seconded by Mrs. Depatie and carried (4-0).

Lee A. Preston, Clerk